

MISSOURI DEPARTMENT OF
HEALTH AND SENIOR SERVICES

FAMILY CARE SAFETY REGISTRY

ANNUAL REPORT

FISCAL YEAR 2004

FAMILY CARE SAFETY REGISTRY

ANNUAL REPORT – FY 2004

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INTRODUCTION

Families are faced with making a difficult decision when hiring someone to help care for a child, elderly or disabled person, whether it is locating child care, placing a family member in a nursing home, or finding a caregiver to come into their private home to provide care. Many times this caregiver has unsupervised access to these most vulnerable family members. The family may have limited time to form an opinion about the suitability of a caregiver and may have little or no opportunity to make inquiries into their background. Several state agencies currently offer information that can assist the family with making a decision, but in order to obtain it families are required to complete and submit forms; it may take anywhere from several days to several weeks to receive background screening information.

The Missouri Department of Health and Senior Services, in coordination with the departments of Social Services, Public Safety, Mental Health and Corrections, established the Family Care Safety Registry and Access Line on January 1, 2001 in accordance with the Family Care Safety Act (Sections 210.900 to 210.936, RSMo).

The Family Care Safety Registry (Registry) serves as a resource for background screening information maintained by the Missouri State Highway Patrol (MSHP), Department of Social Services (DSS), Department of Mental Health (DMH) and the Department of Health and Senior Services (DHSS). Those wishing to hire a child-care, elder-care or personal-care worker may contact the Registry using a toll-free access line and obtain background information about a caregiver. Information accessed by the Registry includes: criminal history, Sex Offender Registry, substantiated claims of child abuse/neglect, the DHSS Employee Disqualification List, the DMH Employee Disqualification Registry and foster parent license denials, revocations and suspensions.

In addition to the needs of families, many employers of child-care, elder-care and personal-care workers are required to obtain background screening information for staff in order to obtain or maintain licensure. Employers, such as child-care centers and nursing homes, often have difficulty in recruiting and maintaining skilled staff. The delays they currently experience in obtaining background screening results can impact their ability to hire and retain staff. These employers are required to contact several state agencies in order to comply with statutes or regulations for background screening. The Registry offers these employers an alternative to their current method of obtaining background screening information.

The Registry became operational January 1, 2001 and utilizes a computer interface to streamline the process to obtain background information from various state agencies. The Registry maintains a toll-free access line to respond to requested information and allows the requestor to receive an immediate response as often as they like at no cost. The access line is staffed from 7:00 a.m. to 6:00 p.m., Monday through Friday.

REGISTRY OPERATIONS

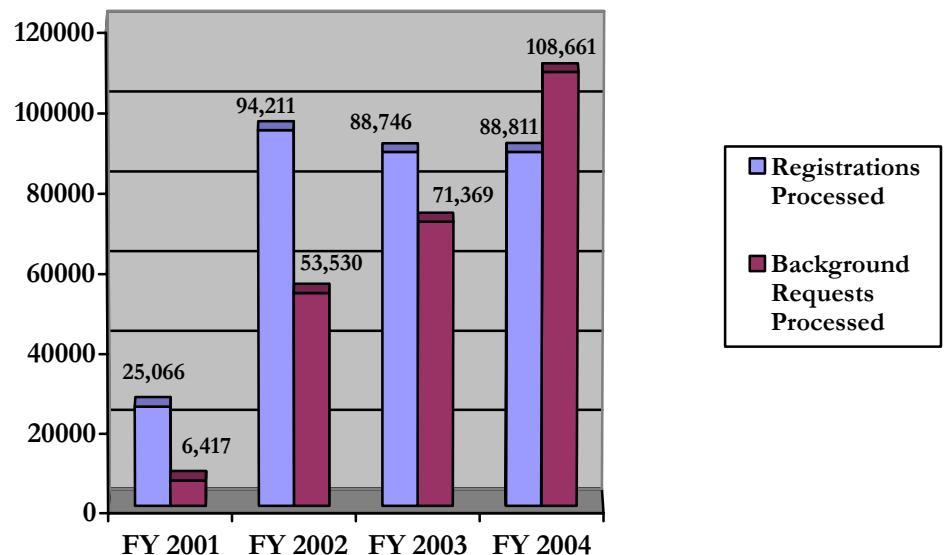
The Registry maintains a database of caregivers, child-care, elder-care and personal-care workers who are required to register within 15 days of hire. The worker's name, address, social security number and date of birth information are entered into a computer system. As part of the registration process, an electronic background screening is performed using a computer interface to search criminal history, the Sex Offender Registry, the child abuse/neglect registry, the DHSS Employee Disqualification List, the DMH Employee Disqualification Registry and foster parent license information. The result of the background screening reflects real-time information from these computer files. The worker receives the background screening results at the time they complete registration.

After registration is completed, employers (including family members) may contact the Registry using a toll-free access line, by FAX or by mail to obtain a background screening on workers who are registered, at no cost to the requestor. A new background screening is obtained using the computer interface each time a request is received. This means if information was added or deleted from the computer files, by an interfaced agency (DSS, DHSS, DMH, MSHP), the addition or deletion will be reflected in the result reported. Both the requestor and the worker receive written notification of the background screening results provided. The worker is also provided with the name and address of the employer who made the request.

The Registry is a request-driven system, so information is provided to employers only when they contact the Registry. The Registry is not authorized to proactively contact employers or regulatory agencies to alert them of a change in the background of an individual.

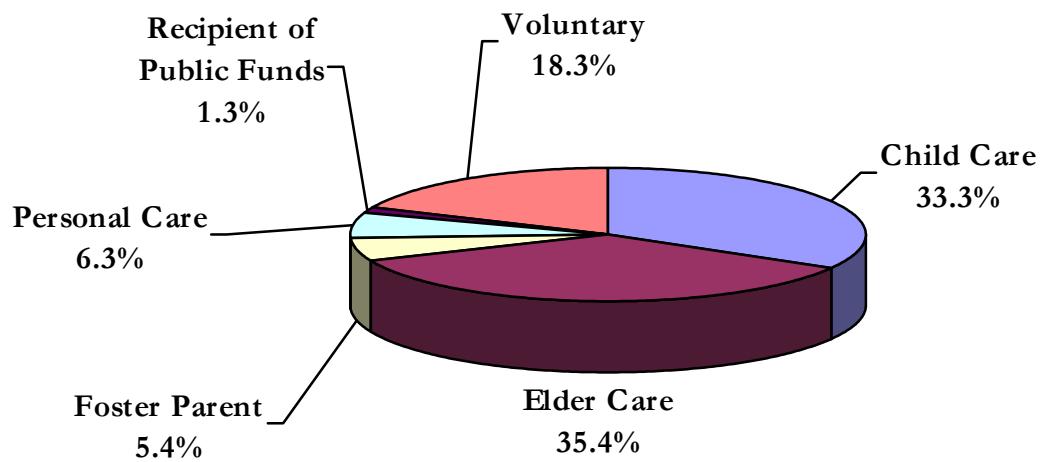
Since January 1, 2001, the Registry received 259,466 registrations from caregivers and processed 240,087 background requests. The number of new registrations remained virtually unchanged in FY 2004, at 88,812 new registrations. In comparison, the number of background requests from employers increased by 52%, from 71,369 in FY 2003 to 108,661 in FY 2004. These statistics demonstrate the transition of the Registry's focus from building the database of new registrants, to responding to background screening requests. The charts that follow summarize the Registry's historical activity.

Registry Activity FY 2001 - FY 2004



Registrations by Worker Occupation

FY 2004

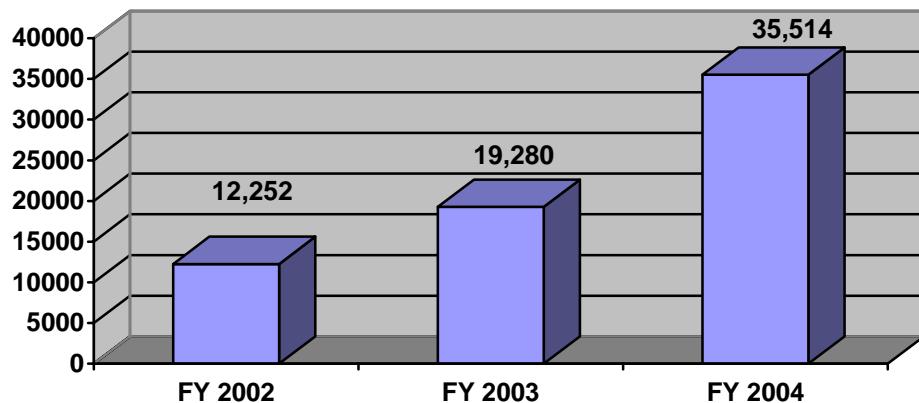


TOLL-FREE ACCESS LINE

The Registry makes a toll-free access line available to families and employers for the purpose of obtaining background screening results. The access line is staffed by nine (9) health professionals who assist callers not only with obtaining background screening results, but also with identifying other resources for information. In addition to the background screening requests received by mail and FAX, the Registry received 35,514 calls on the toll-free access line in FY 2004. The following chart describes the occupation of those individuals who had a background screening performed by employers.

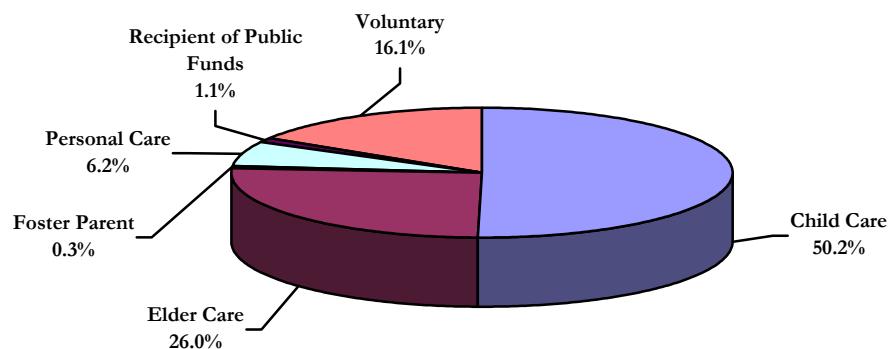
Toll-Free Access Line Activity – Calls Received

FY 2002 – FY 2004



Registry Background Screening Requests by Worker Occupation

FY 2004



ENHANCEMENTS

SB 184, passed during the 2003 legislative session, removed the sunset provision and allowed the Registry to continue operation after January 1, 2004. The legislation also expanded the Registry's authority to include access of open criminal records and the Sex Offender Registry. The expanded access required modifications to the computer systems of both DHSS and MSHP.

SB 556, also passed during the 2003 legislative session, modified section 660.317, RSMo., significantly changing the background screening requirements for licensed home health agencies and in-home services providers under contract with DHSS. Prior to passage, these providers were prohibited from hiring an individual who was convicted of a felony crime against persons or who was listed on the DHSS Employee Disqualification List. SB 556 further restricted licensed home health agencies and in-home services providers from allowing an individual who has any finding reported by the Registry to have contact with patients. The additional findings that disqualify employees include substantiated child abuse/neglect and any misdemeanor or felony conviction, not just those felony crimes against persons.

The combined effect of these two pieces of legislation significantly increased the activity of the Registry. Because the Registry now reports a more comprehensive criminal history record and also accesses the Sex Offender Registry, many employers and state agencies such as DSS and DMH began utilizing the Registry as the preferred source of background screenings. Also, as a result of SB 556, licensed home health agencies and in-home service providers are required to obtain a background screening from the Registry. Beginning in September, 2003, the number of requests each month doubled over the same period the previous year.

Although the number of new registrations submitted did not change significantly, the increase in background screening requests hampered the ability of the Registry to respond in a timely fashion. The Registry at one time carried a four (4) month backlog of unprocessed registrations, as staff struggled to cope with the increase in requests for background screenings. The calls received on the toll-free access line also more than doubled. The Registry's slow response time greatly impaired the ability of providers to hire and maintain adequate staff. The DHSS responded to the challenge by hiring temporary staffing to assist with processing, reducing the backlog from 4 months to 4 weeks at the end of June, 2004. Due to lack of funding, the DHSS cannot continue to fund the temporary staff, and as requests for background screening results continues to increase, the backlog is likely to grow unless funding is received for additional permanent staff.

IDENTIFIED BARRIERS

The Registry continues to explore options to improve services to the public. Through discussions with employers, and state and federal agencies, the following barriers have been identified:

1. Registry staffing is inadequate to meet the needs of employers.

The Registry has not received any additional staff since implementation in FY 2001, although responsibilities and utilization have grown significantly since that time. Additional staff are required.

2. Section 210.921.1(2), RSMo., restricts the immediate dissemination of specific detailed background screening information to agencies licensed by the state. The efficiency of mail services have been greatly affected by security measures implemented by both the U.S. Postal Service and the state of Missouri. The DHSS and DMH certify or contracts with many service providers who are adversely affected by the delay that results from waiting for results to be disseminated by mail.

3. Respond to requests from voluntary or recreational associations.

The Registry is authorized to release background screening information to employers only. Many voluntary or recreational associations (YMCA, Boy Scouts, church youth groups) have expressed interest in utilizing the Registry to obtain background screening information, but are prevented from doing so because the individuals they are screening are unpaid volunteers. Many such associations are required to have timely screenings by insurers as a precondition to renewing some insurance policies, a requirement shared with traditional employers. These voluntary associations currently are using an outdated request system called the Caregiver Background Screening Service (CBSS). The CBSS was created by Executive Order 99-05 in 1999 by Governor Carnahan and was intended to eventually be replaced by the Registry. In order to accommodate requests from the voluntary agencies, the Registry's statute would need to be revised to add additional authority.

4. Enable additional internet-based services.

The Registry receives numerous requests from employers to use the internet to complete the registration process and/or to respond immediately with background screening results. This would improve response times and reduce backlog during high utilization periods. The Department is currently developing the technology to pursue these avenues.

5. National criminal history.

Name-based searches of the MSHP's criminal history information is restricted by statute to Missouri criminal convictions only that are reportable to the MSHP. National, or FBI criminal history information, remains restricted to law enforcement only, unless fingerprints are submitted. Because of the real possibility of a person disqualified for employment in one state moving to another state and seeking similar employment, many employers and licensure agencies feel there is significant risk if the background screening does not reflect an individual's complete criminal history. Several state agencies require that a FBI background check using fingerprints be obtained if the individual has lived in another state in the recent past. The Volunteers for Children Act (VCA), Pub L. 105-251 authorizes state law enforcement agencies to release criminal history information to employers for employment purposes or for the emergency placement of children in the foster care system.. This federal law only authorizes the agency to reveal to an employer whether the individual in question is listed in the FBI criminal history records. The subject of the background check is the only individual who may obtain specific information about the criminal history. Authorizing the Registry to obtain or release information from the FBI under these special circumstances would provide a centralized point for the request and release of information allowed by the VCA.

6. Missouri driving records.

It may be essential in certain circumstances for the employer to obtain driving record information, such as municipal court DWI convictions, as part of a background screening when the individual would be responsible for transporting children, the elderly or disabled. Employers are currently able to contact the Department of Revenue (DOR) to request a copy of an individual's driving record for this purpose. Because the Registry is not authorized to obtain driving record information, employers must continue their current process to obtain driving record information from the DOR. Expanding the Registry's authority to include driving records would reduce duplication and expense for certain types of employers.

7. Required registration of existing employees.

The Family Care Safety Act requires child-care and elder-care workers employed on or after January 1, 2001 and personal-care workers employed on or after January 1, 2002 to register within 15 days of employment. This means that workers currently employed are not required to register unless they change positions or employers. Because employers may only obtain a background screening from the Registry on registered workers, the employer must continue their current process to obtain a background screening on individuals employed prior to those dates.

8. Workers on employee disqualification lists.

The DHSS maintains a list of former employees of nursing homes, home health, and hospice agencies that are disqualified from employment by licensed providers. These individuals have been found to have abused, neglected or financially exploited an elderly person. The DMH maintains a list of individuals who have been found to have abused, neglected or financially exploited a person receiving services from the DMH. Currently, licensed employers are required to initiate a request to the DHSS and/or DMH within two (2) days of employment to determine whether a new employee is listed on their disqualification list. Even though a Registry background screening does report results from these disqualification lists, a licensed employer will not be able to obtain information within the two day time-frame required unless the employee is already registered. Licensed employers recognize this delay as a barrier to using the Registry as a centralized background screening service and continue to contact these state agencies directly for the disqualification list information.

9. Joint responsibility for registration.

Section 210.906.1, RSMo., places the responsibility to register with the Family Care Safety Registry on the individual worker, rather than on their employer. Communicating this requirement to the worker is difficult, if not impossible, without the cooperation and assistance of their employer. The Registry has contacted provider organizations, and conducted targeted mailings to licensed child-care providers, nursing homes, home health care, hospice, and foster parents. However, informing the worker of their requirement to register will continue to be a challenge.

10. Improve electronic transfer of information.

DFS maintains foster parent license information using a mainframe computer. Due to technology limitations, this information is not available using the interface developed for the other background screening data. The DFS has made the information available electronically by granting access to the mainframe data system. Due to inconsistent or incomplete data entry of social security number and name, obtaining this information is a cumbersome and time-consuming process, which negatively impacts the turnaround time for a background screening from the Registry.

Use of the Internet is another method of improving response time. Several state agencies provide information to the public via the Internet. The Registry implemented a web site in FY 03 that allows employers to determine whether an individual is registered, thereby saving time and reducing the duplications of registrations. The Registry is currently analyzing the potential for employers to submit a request for background screening results via the Internet.

11. Additional background screening information resources.

The Registry identified additional sources of information that employers currently access when making a hiring decision. These sources include licensure and certification information maintained by various state agencies, including reporting from the Certified Nurse Assistant Registry maintained by DHSS, and licensure information on home health agencies, hospice providers, hospitals, ambulatory surgical centers, nursing home administrators, health care professionals (nurses, physicians, therapists, social workers, etc.), and teachers. Allowing access to this information from a central source, such as the Registry would further reduce duplication and expense to employers and possibly expedite their hiring process.

RECOMMENDATIONS

Based on an evaluation of the barriers identified, the Department of Health and Senior Services offers the following recommendations:

1. Add 12 additional FTE's, increasing the Registry's staffing from 15.5 to 27.5.
2. Expand the language in Section 210.921.1(2), RSMo., to allow providers certified or contracted by DHSS and DMH to obtain specific detailed background screening information immediately.
3. Authorize the Registry to integrate the reporting of national criminal history information as authorized under the Volunteers for Children Act.
4. Authorize the Registry to provide background screening information to voluntary or recreational associations that perform background screenings on unpaid volunteers.
5. Provide the additional funding that would allow the Registry to implement the option of web-based registration and allow transfer of background results via the internet.
6. Analyze the DFS foster parent data collection system to determine the feasibility of enhancing the current system, or developing a new data collection system in order to allow transfer of background screening information through use of an electronic interface.
7. Authorize access to Missouri driving record information currently available through the DOR.
8. Require child-care and elder-care workers employed prior to January 1, 2001 and personal-care workers employed prior to January 1, 2002 to register.
9. Require all workers currently placed on the DHSS and DMH disqualification lists to register. In addition, require workers placed on the disqualification lists to register as they are added to the disqualification lists.
10. Require those persons or facilities licensed by a state agency to become responsible for registration of workers they employ. Also, require that state licensure agencies monitor compliance as part of licensure activity.
11. Authorize the Registry to provide licensure and certification information maintained by various state agencies, including the CNA Registry, home health facilities, hospice facilities, hospitals, ambulatory surgical centers, nursing home administrators, health care professionals (nurses, physicians, therapists, social workers, etc.), and teachers.